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**THE ROLE OF THE AFRICAN PEER REVIEW MECHANISM IN INDUCING
COMPLIANCE WITH HUMAN RIGHTS**

by

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DECLARATION

I declare that the thesis, which I hereby submit for the degree Doctor Legum (LLD), at the University of Pretoria, is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution.

Magnus Killander

SUMMARY

The African Peer Review Mechanism (APRM) was developed under the New Partnership for Africa's Development (NEPAD), the development framework of the African Union (AU) which replaced the Organization of African Unity (OAU) in 2002. Through the APRM, the AU has established a system for assessment of governance in participating countries and for the development of programmes of action to address identified shortcomings.

The APRM is a voluntary, 'soft' mechanism of supervision which combines self-assessment with regional monitoring. The APRM takes a holistic approach to governance with a mandate covering democracy and political governance, economic governance, corporate governance and socio-economic development.

This study considers the role that the APRM plays in the realisation of human rights. It examines the manner in which human rights are reflected in the APRM framework documents as well as the manner in which rights-based principles such as participation, accountability and transparency are reflected in the process. The strengths and weaknesses of various methods of international monitoring to ensure compliance with human rights are examined. The APRM country review reports and implementation reports of Ghana, Rwanda and Kenya are studied in conjunction with reports from domestic and international human rights monitoring bodies and national development plans. The aim of the study is to ascertain whether the APRM adds value to mechanisms established with the purport of assisting in the realisation of human rights.

This study illustrates that the APRM plays a complementary role in human rights monitoring. It is clear, however, that it is only able to play a meaningful role if the state under review is motivated to undertake reform. Human rights have a role to play with regard to the APRM process itself and in identifying and addressing



governance shortcomings. The specific and time-bound commitments in the Programme of Action are unique to the APRM. If these commitments are developed through a rights-based approach and their implementation adequately monitored the APRM could play an important role in inducing compliance with human rights.

Keywords: accountability, compliance, democracy, development, human rights, governance, impact, indicators, monitoring, participation, peer review, poverty, state reporting, supervision, transparency

ABBREVIATIONS AND ACRONYMS

ADB	African Development Bank
AEC	African Economic Community
AAF-SAP	African Alternative to Structural Adjustment Programmes
AIDS	Acquired Immune Deficiency Syndrome
APPER	Africa's Priority Position on Economic Recovery
AU	African Union
ARPM	African Peer Review Mechanism
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CESCR	International Covenant on Economic, Social and Cultural Rights
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CHRAJ	Commission on Human Rights and Administrative Justice
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
COMESA	Common Market for Eastern and Southern Africa
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
DBSA	Development Bank of Southern Africa
DRC	Democratic Republic of the Congo
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOSOC	Economic and Social Council
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States

EDPRS	Economic Growth and Poverty Reduction Strategy (Rwanda)
EPA	Economic Partnership Agreement
EU	European Union
FGM	Female Genital Mutilation
GNI	Gross National Income
GPRS II	Growth and Poverty Reduction Strategy 2006-2009 (Ghana)
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communications Technology
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organisation
IMF	International Monetary Fund
MAP	Millennium Africa Renaissance Programme
MDGs	Millennium Development Goals
MOU	Memorandum of Understanding
NAI	New African Initiative
NEPAD	New Partnership for Africa's Development
NGOs	Non-governmental organisations
OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OMC	Open Method of Co-ordination
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OSCE	Organisation for Security and Cooperation in Europe
OSCI	Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism
PAP	Pan-African Parliament

POA	Programme of Action
PRSP	Poverty Reduction Strategy Paper
PSC	Peace and Security Council
RECs	Regional Economic Communities
SADC	Southern African Development Community
SAIIA	South African Institute of International Affairs
SAPs	Structural Adjustment Programmes
TRI	Technical Research Institute
UN	United Nations
UNDAF	United Nations Development Assistance Framework 2008-2012 (Rwanda)
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	UN High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UN-NADAF	United Nations New Agenda for Development in Africa
UN-PAAERD	United Nations Programme of Action for African Recovery and Development
UPR	Universal Periodic Review

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